



MEMO ENDORSED

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BY FACSIMILE # (212) 805-7930

Hon. James C. Francis, IV
United States Magistrate Judge
United States District Court
500 Pearl Street
New York, New York 10007

Re: Mark Nunez v. City of New York, et al., 11-CV-5845 (LTS) (JCF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, and one of the attorneys assigned to the defense of the above-referenced matter. In that capacity, I write concerning the status of one of the sixty-six (66) individually named defendants in this matter.

On February 19, 2013, the Court granted defendants' request for a two-week extension of time until March 1, 2013 for City defendants to file an answer on behalf of the defendants that the City represents. Accordingly, the City will today be filing its answer on behalf of the fifty-three (53) defendants whom the City has decided to represent. It is also the City defendants' understanding that twelve (12) other defendants whom the City does not represent at this time already have answered, or else will file their answer today. However, in regards to the last remaining individual defendant, former Correction Officer Alfredo Negrón, the City has declined to represent him in this matter. This decision was made recently and a letter was sent to Mr. Negrón this week. It does not appear that Mr. Negrón has retained counsel, and we understand that union counsel, Koehler & Isaacs, cannot represent him either. As Mr. Negrón is currently an unrepresented party it appears that he will need more time to file his answer to the Second Amended Complaint.

Because the City does not represent Officer Negrón, we are not formally requesting additional time on his behalf. However, we write in order to apprise the court of Mr. Negrón's status, and to suggest that in fairness to him, the court permit some reasonable, additional time,

for Mr. Negrón to retain counsel. While the court recently directed that there would be no further extensions of the City defendants' time to answer (see DE # 64 [Memo Endorsement 2/19/2013]), that order appears to apply only to those defendants whom the City represents, a group that does not include Mr. Negrón.

We suggest to Your Honor that thirty (30) additional days would be fair and reasonable, although as noted above we are not formally requesting such relief. We are available for a conference if the court believes it appropriate. In addition, the City will forward to Mr. Negrón at his last known address a copy of any order issued by Your Honor.

Respectfully submitted,

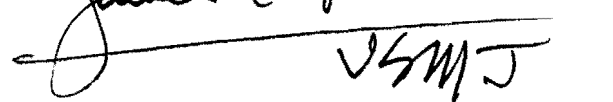


Kimberly M. Savino
Assistant Corporation Counsel

cc: All Counsel (by facsimile)

3/4/13
Defendant Negrón shall answer by
April 1, 2013, and the City shall
forward a copy of this order
to his last known address.

SO ORDERED.

James C. Francis IV

JCF